



September 23, 2013

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95912

via web portal - <http://www.arb.ca.gov/lispub/comm/bclist.php>

Subject: Proposed Amendments to the Consumer Products Regulations

Clerk of the Board:

W.M. Barr and Company, Inc. appreciates the opportunity to comment on the amendments to the Consumer Products regulation. These amendments are to be heard by the California Air Resources Board on September 26, 2013.

An employee-owned company founded in 1946, WM Barr is the largest retail supplier of solvents and thinners in the U.S.

W.M. Barr has the following specific issues with the proposed amendments.

- W.M. Barr requests clarification of "products to be used as fuels". The Multi-purpose Solvent category means any product used for dispersing, dissolving or removing contaminants or organic matter that does not display an end use function or application on the label.

This language is clear in that all fuels would have an end use function whether the label states "Gasoline and oil mixture" for small engines, or kerosene fuel for heaters or alcohol for camp stoves.

However, in Chapter VIII page 112 of the Initial Statement of Reasons (ISOR) dated August 7, 2013, states "The proposal to include in the "Multi-purpose Solvent" category products that display on the Principal Display Panel a specific chemical name is to clarify that these types of products are considered "Multi-purpose Solvents" even if they do not have other language on the label that states they are used for dispersing, dissolving or removing contaminants or other organic materials."

The above statement confuses the intent of the regulation. Is race fuel, which may list the constituents of the product on the label, to be caught up in the definition of a Multi-purpose Solvent? Likewise, alcohol used in camp stoves states alcohol on the label, or kerosene used for turbo heaters states kerosene on the label. For this regulation to be clear

in the marketplace, fuels must have a specific exemption-- such as "Rubbing Alcohol" has in the new definition.

Currently, there is confusion that could cause unexpected, and unintended, enforcement actions against these types of products.

W.M. Barr respectfully requests the board to instruct the staff to clarify the fuels exemption in this rule.

- W.M. Barr respectfully disagrees with the staff portrayal of the Multi-purpose Solvent labeling issue. Staff has stated that the Mutli-purpose Solvent labeling issue is was a circumvention of the rule, unanticipated and did not achieve the expected benefits.

On the circumvention of the rule claim, the ISOR states circumvention of the rule in several chapters Executive Summary, Chapter II, Chapter IV, and Chapter VII. If industry was circumventing the rule that would have been an enforcement issue. The 30% VOC limit for Multi-purpose Solvent has been effective since 12/31/2010 without any enforcement action on this category.

On the unanticipated labeling claims which are mentioned in Chapter IV and Chapter VIII, staff's claim that the labeling was unanticipated is interesting. In Chapter IV staff refers to ISOR for release August 2009. In the ISOR released 2009 staff has stated that how a product is labeled determines rule applicability. W.M. Barr agrees with this statement. In the Initial Statement of Reasons released August 7, 2009 on the rule making that adopted limits for Multi-purpose Solvent and Paint Thinner, the labeling issue was clearly described in Chapter VI page 58. The document stated about Multi-purpose Solvent the following: *The category also does not include any product making and representation that the product may be used as, or is suitable for use as, a consumer product which qualifies under another definition in section 94508 (the "definitions" section of the general consumer products regulation). Such products are not Multi-purpose Solvents and are subject to the "Most Restrictive Limit" provision of section 94512. For example, adhesive removers that can technically meet the definition of Multi-purpose Solvent, are not Multi-purpose Solvents because they are defined in section 94508 as "Adhesive Remover."* This is very similar to the description of the General purpose Degreaser labeling currently being used by the industry.

This description clearly defined the labeling issue. In addition, the document goes on to detail all the changes to the regulation that currently define the Multi-purpose Solvent definition. The document states in Chapter VI on pages 58 - 59 the following: *"Multi-Purpose Solvent" was originally defined as an exclusion to the definition of "Spot Remover" in the Consumer Products Regulation Amendments of July 1997 (ARB, 1997). In the November 2006 Consumer Products Regulation Amendments, the definition was modified to clearly exclude multi-function products (products that make multiple regulated claims on the label) and clearly include packaged solvents (organic solvents without specific use claims, such as mineral spirits or methyl ethyl ketone) (ARB, 2006). The above description for Multi-purpose Solvent, included new proposed language to the existing regulatory definition that will clarify products that are included in the category*



and products that are not included in the category.

This description clearly and in detail shows that Multi-purpose Solvent product with multiple claims is subject to the Most Restrictive limits. This is exemplified in the label in the appendix.

For years any Multi-purpose Solvent that had a specific claim was regulated and subject to enforcement action. For example: Denatured Alcohol that has glass cleaner claims was considered a Glass Cleaner under the regulations (provided that category had the lowest applicable limit). Thus, staff was well aware of this issue before this regulation was adopted.

In addition, in 2010 before the effective date for the Multi-purpose Solvents, W.M. Barr made three presentations, one to CARB Stationary Source Division (which at the time was in charge of rule writing for the Consumer Products regulation), one to CARB Enforcement Division in charge of Consumer Products, and one to the SCAQMD staff. In the presentation W.M. Barr detailed their intended labeling scenario, along with the products that were to be removed from sale. The labeling scenario specifically included the General Purpose Degreasing labeling on the Mineral Spirits container. During and after those meetings/presentations, no agency personnel stated any concern with the labeling. (Re-insert no enforcement action here?) Since that time there has been a reorganization of personnel on the CARB rule writing side. CARB enforcement has never questioned our labeling or stated "circumvention" concerns.

- On the staff's last claim that the full benefit of the emission regulations have not been met, W.M. Barr again respectfully disagrees. The current Mineral Spirits products meet the VOC limit for the General Purpose Degreaser VOC limit which is 0.5% VOC which is 29.5% VOC below the current VOC limit for Multi-purpose Solvent. Before the General Purpose Degreaser limit was 0.5%, the limit was 4%, still 26% VOC lower than the 30% VOC limit for Multi-purpose Solvent. Thus since 12/31/2010, W.M. Barr has been complying with some of the most stringent VOC limits in the CARB Consumer Products regulation. This has resulted in tons of emissions reductions that the staff did not anticipate.

Currently, the Mineral Spirits product is significantly over-complying with even the 12/31/2013 future VOC limit of 3% VOC. Thus, W.M. Barr is puzzled on how the staff can state that emission reductions are not being met.

In conclusion, W.M. Barr and Company, Inc. respectfully requests the Board to instruct the staff to clarify that fuels, even with chemical names on the principal display, are not Multi-purpose Solvents.

Thank you for your consideration to this issue.

Sincerely,

Michael S. Cooley
Associate General Counsel



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